

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:12-CV-482-FDW-DSC**

JOYCE A. MAYFIELD,
Plaintiff,

v.

STRAYER UNIVERSITY, INC.,
Defendant.

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ORDER

THIS MATTER is before the Court on Plaintiff's "Motion to Amend Complaint" (document #15) filed December 14, 2012, and the parties' associated briefs and exhibits. See documents ##16, 21 and 22.

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636, and this Motion is now ripe for consideration.

For the reasons stated in her Motion and supporting briefs, the Court grants Plaintiff leave to file her Amended Complaint. Defendant's essential argument that Plaintiff will be unable to establish that she was discharged is better suited for a dispositive motion.

The parties dispute whether Plaintiff and her counsel complied with Local Civil Rule 7.1(B) which requires parties to confer before filing a motion such as the subject Motion to Amend. The Court warns Plaintiff and her counsel that any future failure to comply with the Local Rules, the Rules of Civil Procedure, or the Orders of this Court may result in the imposition of sanctions.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount

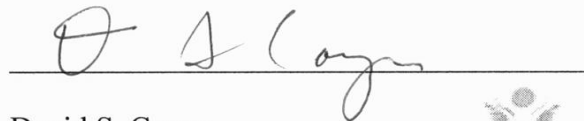
Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

Accordingly, “Defendant’s Partial Motion for Judgment on the Pleadings” (document #12) filed November 26, 2012 is administratively **DENIED** as moot without prejudice.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: January 28, 2013

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

